

DECLARATION, POWER OF ATTORNEY, AND PETITION

We, Charles A. Bastyr, a citizen of the United States of America, residing at 12911 Via Grimaldi, Del Mar, California 92014; and Stephen O. Ross, a citizen of United States of America, residing at 3745 Southridge Way, Oceanside, California 92056; verily believe we are the original, first, and joint inventors of the subject matter of the invention or discovery entitled EXERCISE DEVICE WITH TRUE PIVOT POINT, for which a patent is sought and which is described and claimed in the specification attached hereto; that we have reviewed and understand the contents of the above-identified specification, including the claims; and that we acknowledge the duty to disclose information which is material to the examination of this application in accordance with Section 1.56(a) of Title 37 of the Code of Federal Regulations.

We declare further that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful, false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful, false statements may jeopardize the validity of the application or any patent issuing thereon.

We hereby appoint as our attorneys NEIL K. NYDEGGER, Registration No. 30,202, and MATTHEW K. HILLMAN, Registration No. 45,892, with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and

Trademark Office connected therewith. All correspondence and telephonic communications should be directed to:

NEIL K. NYDEGGER  
NYDEGGER & ASSOCIATES  
348 Olive Street  
San Diego, California 92103  
(619) 688-1300

Wherefore, we pray that a letters patent be granted to us for the invention or discovery described and claimed in the foregoing specification and claims, declaration, power of attorney, and this petition.

Signed at SAN DIEGO, California, this 7<sup>th</sup> day of December, 2000.

Inventor C. Bastyr  
Charles A. Bastyr  
12911 Via Grimaldi  
Del Mar, California 92014

Signed at San Diego, California, this 7<sup>th</sup> day of December, 2000.

Inventor Stephen O. Ross  
Stephen O. Ross  
3745 Southridge Way  
Oceanside, California 92056

decpoapet:ddb  
Docket: 11306.1

DECLARATION CLAIMING SMALL ENTITY STATUS  
FOR AN INDEPENDENT INVENTOR

I, Charles A. Bastyr, hereby declare that I qualify as an independent inventor as defined in 37 C.F.R. § 1.9(c) for purposes of paying reduced fees to the Patent and Trademark Office under Section 41(a) and (b) of Title 35, United States Code, with regard to the invention entitled EXERCISE DEVICE WITH TRUE PIVOT POINT, as described in the patent application filed concurrently herewith.

I further declare, upon information and belief, that I have not assigned, granted, conveyed, or licensed and am under no obligation under contract or law to assign, grant, convey, or license any right, title, or interest in the invention to any person who could not be classified as an independent inventor under 37 C.F.R. § 1.9(c) if that person had made the invention, or to any firm, or organization which would not qualify as a small business concern under 37 C.F.R. § 1.9(d) or as a nonprofit organization under 37 C.F.R. § 1.9(e). Other than myself, each individual, firm, or organization having any right in, to, or under the invention is listed below, and separate verified statements or declarations of each such individual, firm, or organization are filed concurrently herewith.

Stephen O. Ross  
An Individual  
3745 Southridge Way  
Oceanside, California 92056

I acknowledge the duty to file, in the above-mentioned application or any patent issued in respect thereof, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of (1) the issue fee or (2) any maintenance fee due after the date on which status as a small entity is no longer appropriate.

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful, false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful, false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this declaration is directed.

Signed at SAN DIEGO, California, this 7<sup>th</sup> day of December, 2000.



Charles A. Bastyr  
12911 Via Grimaldi  
Del Mar, California 92014

smentdeclbastyr:ddb  
Docket: 11306.1

DECLARATION CLAIMING SMALL ENTITY STATUS  
FOR AN INDEPENDENT INVENTOR

I, Stephen O. Ross, hereby declare that I qualify as an independent inventor as defined in 37 C.F.R. § 1.9(c) for purposes of paying reduced fees to the Patent and Trademark Office under Section 41(a) and (b) of Title 35, United States Code, with regard to the invention entitled EXERCISE DEVICE WITH TRUE PIVOT POINT, as described in the patent application filed concurrently herewith.

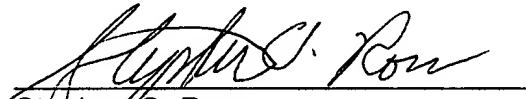
I further declare, upon information and belief, that I have not assigned, granted, conveyed, or licensed and am under no obligation under contract or law to assign, grant, convey, or license any right, title, or interest in the invention to any person who could not be classified as an independent inventor under 37 C.F.R. § 1.9(c) if that person had made the invention, or to any firm, or organization which would not qualify as a small business concern under 37 C.F.R. § 1.9(d) or as a nonprofit organization under 37 C.F.R. § 1.9(e). Other than myself, each individual, firm, or organization having any right in, to, or under the invention is listed below, and separate verified statements or declarations of each such individual, firm, or organization are filed concurrently herewith.

Charles A. Bastyr  
An Individual  
12911 Via Grimaldi  
Del Mar, California 92014

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I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful, false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful, false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this declaration is directed.

Signed at San Diego, California, this 7<sup>th</sup> day of December, 2000.

  
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Stephen O. Ross  
3745 Southridge Way  
Oceanside, California 92056

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Docket: 11306.1